

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE MIDDLE DISTRICT OF ALABAMA

3 EASTERN DIVISION

4
5 CIVIL ACTION NUMBER

6 3:05-CV-0741-M

7
8 BARRY BUCKHANON and RODNEY FRALEY,

9 Plaintiffs,

10 vs.

11 HUFF & ASSOCIATES CONSTRUCTION COMPANY,
12 INC.,

13 Defendant.

14
15 DEPOSITION TESTIMONY OF:

16 BARRY BUCKHANON

17
18
19 June 8, 2006

20 10:15 a.m.

21
22 COURT REPORTER:

23 Gwendolyn P. Timbie, CSR

COPY

1 Q Two?

2 A Yes, sir. It was a dad and a
3 son.

4 Q Have you talked to them --

5 A No, sir.

6 Q -- about your claims?

7 A I've never seen them guys
8 since.

9 Q Did you ever hear Mr. Myers
10 say anything else derogatory to the
11 Hispanic employees?

12 A Yes, he did.

13 Q Like?

14 A He'll just tell them they
15 don't know what they're doing. They need
16 to get down and all kind of stuff.

17 Q Were there other African-
18 American employees on the job site other
19 than you and Mr. Fraley?

20 A On the site period?

21 Q Yes.

22 A Yes, it was.

23 Q Did you ever hear Mr. Myers

1 And he -- Mr. Garrett took us up on
2 the job site to pick up our last check.
3 And we met Mr. Langley and Mr. Myers.
4 They was coming out of the job site and we
5 was pulling in, so I stopped. And he
6 stopped and rolled down the window. I
7 asked him could we get our checks. He
8 said, y'all got my five dollars? I said,
9 no, sir, we don't have it. I said, we
10 ain't got it right now. You can follow us
11 to the bank. He said, I ain't got time
12 for that shit. He said, you ain't getting
13 your check till I get my five dollars
14 apiece. And he pulled off on me. And
15 then he stopped, and he backed up,
16 cussing. He said, I want my damn five
17 dollars. I said, we said you can stop
18 over there at the bank and pick it up.
19 Oh, I ain't got time for that shit. And
20 he pulled off.

21 Q Well, did you get your check?

22 A Yeah. He backed up and
23 finally gave it to us.

1 Q How long after that did you
2 get your check?

3 A It was just a few minutes. He
4 finally gave it to us before he left. He
5 pulled off like he was going to spin off
6 and leave, and he backed up, and he
7 finally gave us our check.

8 Q Did you ever give him his five
9 dollars back?

10 A We never seen him no more
11 after that. No, we didn't. We never seen
12 him no more since we got our last check.

13 Q So are you saying that the day
14 that this discussion about the five
15 dollars -- was this your last day of work?

16 A No, sir. We -- after that --
17 I never went on the job again. We had to
18 go back and pick up one more -- our last
19 check from the site, and we went back that
20 Friday. We had to come that Friday to
21 pick up the check.

22 Q So you did go back to the job
23 site after you were --

1 A Yes, sir. To pick up a
2 check. We had to come up there. He told
3 us to come up there. Well, my mom called,
4 and he said we could come pick up our
5 check between two and -- two and four
6 because he was going to leave there at
7 four o'clock. So we went up to get our
8 check. And Mr. Garrett took us up on the
9 job site.

10 Q Who is "us"? Who is "us"?

11 A Me and Mr. Fraley.

12 Q All right. Go ahead.

13 A We went up there to get our
14 last check, and he was just -- he was so
15 rude about giving us our check, cussing
16 us. But he finally gave us our check.

17 Q Was anyone else with you other
18 than Mr. Fraley?

19 A Mr. Garrett.

20 Q And Garrett.

21 A Yeah.

22 Q Anybody else?

23 A No, sir. Just me and

1 Mr. Fraley and Mr. Garrett.

2 Q Who else are you aware of that
3 can speak to Mr. Myers' behavior?

4 A Well, we had Mr. Connell. He
5 was working on the site. And Earl --
6 Bobby Nichols. He was working on the
7 site.

8 Q Who is Bobby Nichols? Is he a
9 Huff employee or a subcontractor?

10 A Yeah. He was working there.
11 He was working there at the time too.

12 Q What's his race?

13 A He's white.

14 Q What about Garrett?

15 A White.

16 Q Who else?

17 A Travis Gilson also. He worked
18 up on the site -- job site.

19 Q What's his job?

20 A White guy. He was a
21 carpenter.

22 Q He worked for Huff?

23 A Yes, sir, he did.

1 A Yeah. After -- after that
2 day, when all -- after the storm, when all
3 of it happened. And my friend, Rodney, he
4 said -- he told me -- he said, don't do
5 nothing. You need to -- we need to go see
6 a lawyer about him.

7 Q Mr. Bowles is the first person
8 you came to see?

9 A Yes, sir. That's right.

10 Q And, again, just so I'm clear,
11 have you told me about all of the
12 racially --

13 A Yes, sir.

14 Q -- oriented language that he
15 used in your presence?

16 A Yes, sir. All that I can
17 recall right now.

18 Q And you've given this a good
19 bit of thought, haven't you --

20 A Yes, sir.

21 Q -- before today?

22 A Yes, sir.

23 Q And that's all -- what you've

1 told me is all you can recall that he
2 said?

3 A All I recall.

4 MR. BOWLES: I believe he said
5 right now.

6 Q Mr. Buckhanon, have you ever
7 been arrested?

8 A Yes, sir, I have.

9 Q How many times?

10 A About once or twice.

11 Q For what?

12 A A ticket, fines. That's it.

13 Q Traffic things?

14 A Yeah. Traffic tickets.

15 That's it. City jail. Never been in a
16 county jail in my life.

17 Q You were actually put in a
18 city jail over a traffic ticket?

19 A You know, like, failure to pay
20 the fine off.

21 Q Ever been convicted of any
22 crimes?

23 A No, sir, I haven't.